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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 GERALD A. BRENNER,
15 Defendant.

Case No. 06-5412 KLS

ORDER DENYING MOTION TO
SUPPRESS

17 This matter having come before the court on the “Defendant’s Memorandum, In Support of Motion
18 for Order Suppressing Evidence.” Dkt. #5. The plaintiff filed its response (Dkt. #6) and the defendant has
19 now filed his reply (Dkt. #7). The court notes that no request for oral argument or for an evidentiary
20 hearing has been made by either party.

21 The court further notes that no evidence has been presented to the court either in support of the
22 motion or in opposition to the motion. While the plaintiff references an attachment, there was no
23 attachment to his memorandum. The parties have chosen, instead, to rely on counsels’ summary of the
24 facts. It appears to this Court that the knowledge, training and understanding of the investigating officer is
25 crucial to the court’s determination of this motion and that such determination cannot be made on the
26 limited record now before the court. Therefore, this court is denying the motion to suppress, without
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1 prejudice, so as to allow the defendant to raise the matter at the time of trial, now scheduled for
2 September 5, 2006.

3 DATED this 18th day of August, 2005.
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5 /s/ Karen L. Strombom
6 Karen L. Strombom
U.S. Magistrate Judge
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